

JURISDICTION:

**NEW YORK**

General Reference:

This chapter summarizes New York State statutes related to speed. McKinney's Consolidated Laws of New York Note: Most citations are to the Vehicle and Traffic Law (V&T Law). New York Code of Rules and Regulations (NYCRR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. V&T Law 1180(a)

Statutory Speed Limit:  
See Other below

65 MPH on parts of certain designated highways<sup>1</sup> V&T Law 1180-a(2)  
55 MPH V&T Law 1180(b) & 1180-a(1)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation (1) on highways under its jurisdiction<sup>2</sup> or (2) on, county or town roads not in cities or villages via a request by a county or town may establish maximum speed limits <55 MPH.<sup>3</sup> V&T Law 1620(a) & 1622(1) Note: New York law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.  
II. Certain State created public authorities and commissions may establish maximum speed limits <55 MPH on highways under their jurisdiction.<sup>4</sup> V&T Law 1180-a(1) & 1630(5)  
III. Towns<sup>5</sup> on roads within their exclusive jurisdiction may establish

Basis for a Speed Law Violation: (continued)

A speed limit of 65 MPH speed limit **may** be established on the following highways: (1) The Governor Thomas E. Dewey Thruway as such term is defined in section 1180-a(2) of the public authorities law... (Note: The law specifically prohibits such a speed limit on certain portions of this highway. See V&T law 1180-a(2) s.); and, (2) (a) the southern tier expressway from the interchange with United States route fifteen thence generally westerly to the interchange with New York state route three hundred ninety-four, (b) interstate route eighty-one from the Pennsylvania border in Broome county to the interchange with New York state route twelve in Jefferson county, (c) the Adirondack northway portion of interstate route eighty-seven from the interchange with crescent road in Saratoga county to the interchange with New York state route eighty-eight from the interchange with New York state route three hundred sixty-nine in Broome county to the interchange with interstate route nine in Seneca county, (d) interstate route three hundred ninety, known as the Genesee Expressway, from the interchange with interstate route ninety in Monroe county to the interchange with the southern tier expressway in Steuben county, (f) route seventeen from the interchange with New York state route three hundred ninety-four to the Pennsylvania border, (g) interstate route four hundred eighty-one from the southerly interchange with interstate route eighty-one in Onondaga County to the north interchange with interstate route eighty-one in Onondaga County .... V&T Law 1180-a(2) & (3)

This applies to State maintained highways outside of cities with a population >1 million and on Indian reservations. V&T Law 1620(a)

Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. V&T Law 1620(a) & 1622(1) However, on highway within certain designated areas a speed limit within a county or town cannot be <30 MPH. V&T Law 1622(2)

Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, there are exceptions. Lower safe speed limits may be established for bridge and tunnel structures. A safe speed limit of not <10 MPH may be established in parks. And, a speed limit of not <5 MPH may be established for passage through toll plazas. V&T Law 1630(5)

"Towns" means either suburban towns governed by Town Law Article 3-a or other towns with a population >50,000. V&T Law 1662-a

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Posted (Maximum) Speed Limit: (continued)

maximum speed limits <55 MPH.<sup>6</sup> V&T Law 1180-a(1) & 1662-a IV. Cities and villages on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.<sup>7</sup> V&T Law 1180-a(1) & 1643

V. A city or village may establish maximum speeds of not <15 MPH on certain private driveway or parking areas. V&T Law 1640-a(2-a)

VI. Other local authorities or school districts may establish speed limits <55 MPH on driveways or parking fields under their jurisdiction. V&T Law 1670(3)

**IMPORTANT.** I. The State Department of Transportation may prohibit a local government from establishing maximum speed limits on certain designate State maintained highways. V&T Law 1624(a)

II. Effective until November 1, 2000 and except as provided under V&T Law 1180-a(2) & (3) (See Footnote No. 1.) (1) cities, (2) villages, (3) towns, (4) counties, (5) public authorities and (5) divisions and offices of the State Department of Transportation are prohibited from establishing speed limits >55 MPH. V&T Law 1180-a(1)

Minimum Speed Limit:

I. No person shall driver a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. V&T Law 1181(a)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. V&T Law 1120(b)

Posted (Minimum) Speed Limit:

The State on highways under its jurisdiction or a city with a population >1 million may establish minimum safe speed limits. V&T Law 1181(b), 1620(b) & 1642(a)(5)

Other:

I. The State, or local government may establish maximum safe speed limits on bridges and elevated structures on their respective highways. V&T Law 1620(c), 1644, 1652 & 1663

II. The State or a local government may establish maximum speed limits on restricted highways that are either under construction or reconstruction. Highway Law 104-a & V&T Law 1625(a)(1)

Basis for a Speed Law Violation: (continued)

Other: (continued)

III. An agency having control over a street under construction or maintenance may establish a "work area speed limit" with a limit of not <25 MPH. In addition, the usual speed limit cannot be exceed the

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The established speed limit throughout on within designed areas of a town cannot be <30 MPH. Except that on certain designed highways, the speed limit cannot be <25 MPH. Nevertheless, a speed limit of not <15 MPH may be established in school zones. In the community of Point Lookout, Town of Hempstead, a speed limit of not <15 MPH may be established. V&T Law 1662-a

The established speed limit throughout on within designed areas of a city or village cannot be <30 MPH. Except that on certain designed highways, the speed limit cannot be <25 MPH. Nevertheless, a speed limit of not <15 MPH may be established in school zones. In Buffalo and Rochester, a speed limit of not <15 MPH may be established on a highway within a city park. V&T Law 1643

In cities with a population >1 million, speed limits <25 MPH but in no case <15 MPH may be established along designated highways for the purpose of implementing traffic calming measures. However, no such speed limit can be established where such measure consists only of traffic control sign. Traffic calming measures means any engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users including pedestrians and bicyclists. V&T Law 1642(26)

work area speed limit by >20 MPH. V&T Law 1180(f)  
 IV. State university board of trustees are authorized to adopt State traffic laws, which could include speed limits, on university streets. Education Law 360(1)  
 V. School vehicles, when engaged in pupil transportation, cannot be driven >55 MPH. However, local school districts may adopt a lower operating speed for such vehicles. Education Law 3624

#### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions. V&T Law 1180 & 1800(a) and Education Law 360(2)

Other:

Education Law 3624 does not provide a sanction for driving a school vehicle >55 MPH when transporting pupils.

#### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,  
 Etc.):

Basic Speed Rule-Not more than **15 days** V&T Law 1180(h)(2)  
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **15 days** 2nd offense (within 18 months)-Not more than **45 days** Subsequent offense (within 18 months)-Not more than **90 days** V&T Law 1800(b)

Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤10 MPH-**None** (2) Exceeding speed limit >10 but <30 MPH-Not more than **15 days** (3) Exceeding the speed limit >30 MPH-Not more than **30 days** V&T Law 1180(h)(1)

Agency Established Construction Zones-(1) Exceeding speed limit ≤10 MPH-**None** (2) Exceeding speed limit >10 but <30 MPH-Not more than **30 days** (3) Exceeding the speed limit >30 MPH-Not more than **30 days** V&T Law 1180(h)(3)

**None**

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule-Not more than **\$30 to \$100<sup>8</sup>** V&T Law 1180(h)(2)  
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **\$100** 2nd offense (within 18 months)-Not more than **\$200** Subsequent offense (within 18 months)-Not more than **\$300** V&T Law 1800(b)  
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤10 MPH-**\$30 to \$100<sup>8</sup>** (2) Exceeding speed limit >10 but <30 MPH-**\$60 to \$200<sup>8</sup>** (3) Exceeding the speed limit >30 MPH-**\$120 to**

#### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

**\$400<sup>8</sup>** V&T Law 1180(h)(1)

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nd offense (within 18 months)-The maximum fine that can be imposed is increased by **\$100**. V&T Law 1180(h)(5) Subsequent offense (within 18 months) mum fine that can be imposed is increased by **\$250**. V&T Law 1180(h)(5)

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|                                                         | <u>Agency Established Construction Zones</u> -(1) Exceeding speed limit ≤10 MPH- <b>\$60 to \$100</b> <sup>8</sup> (2) Exceeding speed limit >10 but <30 MPH- <b>\$120 to \$200</b> <sup>8</sup> (3) Exceeding the speed limit >30 MPH- <b>\$240 to \$400</b> <sup>8</sup> V&T Law 1180(h)(3)                                                                                                                                                                                                                                                                                                                                                                                               |
| Mandatory Min. Fine (\$):                               | <b>None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Other Penalties:                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Traffic School:                                         | The court may order an offender to attend a Driver Improvement Clinic. NYCRR 133.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Other:                                                  | <b>School Speed Zone.</b> The following sanctions apply if a person exceeds the applicable speed limit in a school zone during a school day between the hours of 7:00 A.M. and 6:00 P.M. (1) Exceeding the speed limit by ≤10 MPH, a fine of not less than <b>\$60 nor more than \$200</b> <sup>8</sup> . (2) Exceeding the speed limit by >10 MPH but ≤30 MPH, a fine of not less than <b>\$120 nor more than \$400</b> <sup>8</sup> and/or imprisonment for not more than <b>15 days</b> . And, (3) exceeding the speed limit by >30 MPH, a fine of not less than <b>\$240 nor more than \$800</b> <sup>8</sup> and/or imprisonment for not more than <b>30 days</b> . V&T Law 1180(h)(4) |
| Licensing Action:                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Type of Licensing Action (Susp/Rev):                    | <b>Suspension or Revocation</b> -Based Upon Habitual or Persistent Traffic Law Violations (Point System) <sup>9</sup> V&T Law 510(3)(d)<br><b>Revocation</b> -Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit V&T Law 510(2)(a)(iv)                                                                                                                                                                                                                                                                                                                                                                                                             |
| Term of License Withdrawal (Days, Months, Years, etc.): | <b>Suspension or Revocation</b> -Based Upon Habitual or Persistent Traffic Law Violations (Point System)-Note: The law does not provide specific suspension or revocation periods. <sup>10</sup> V&T Law 510(3)(d)<br><b>Revocation</b> -Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit-At least <b>6 months</b> V&T Law 510(6)(a)                                                                                                                                                                                                                                                                                                             |

### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

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| Mandatory Minimum Term of Withdrawal: | <b>Suspension or Revocation</b> -Based Upon Habitual or Persistent |
|---------------------------------------|--------------------------------------------------------------------|

**Point System.** I. An offender may be required to attend a Driver Improvement Clinic if they accumulate 7 to 10 points within 18 months. 15 NYCRR 131.4(b) sing agency may take licensing action (suspension or revocation) if the offender has accumulated ≥11 points within 18 months or ≥9 points resulting from spe tions within 18 months. NYCRR 131.4(c) II. The following points have been assigned to speeding or speed related violations: Speeding >40 MPH over the speed ints; speeding >30 but ≤40 MPH over the speed limit-8 points; speeding >20 but ≤30 MPH over the speed limit-6 points; reckless driving-5 points; speeding >10 bu over the speed limit-4 points; other violations related to exceeding the speed limit-3 points; and, other moving violations-2 points. 15 NYCRR 131.3(a) & (b)

In the case of "permissive" revocations, the law provides that a "new" license cannot be issued for at **30 days**. V&T Law 510(6)(g)

Traffic Law Violations (Point System)-**None**<sup>11</sup> Note: Suspension or revocation action is "permissive." V&T Law 510(3)(d)  
**Revocation-None**<sup>11</sup>

Miscellaneous Sanctions  
Not Included Elsewhere:

The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law 510(2)(a) & (3)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor V&T Law 1182(1)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **30 days** V&T Law 1182(1) 2nd offense (within 12 months)-Not more than **6 months** V&T Law 1182(2)  
**None**

Mandatory Minimum Term:

Fine (\$ Range):

1st offense-**\$200 to \$350** V&T Law 1182(1) 2nd offense (within 12 months)-**\$350 to \$500** V&T Law 1182(2)

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

**Revocation** V&T Law 510(2)(a)(vi) & (vii)

1st offense-At least **6 months** V&T Law 510(2)(a)(vi) & (6)(a) 2nd offense (within 3 years)-**1 year** V&T Law 510(2)(a)(vii)

Mandatory Action--Minimum

Length of License

Withdrawal:

**None**<sup>11</sup>

Other:

I. The registrations of the vehicles owned by the offender may also be revoked. V&T Law 510(2)(a)  
II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR 133.3

Reckless Driving:

Misdemeanor V&T Law 1212 & 1801(1)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **30 days** 2nd offense (within 18 months)-Not more than **90 days** Subsequent offense (within 18 months)-Not more than **180 days** V&T Law 1801(1)

Mandatory Minimum Term

of Imprisonment:

**None**

Other Criminal Actions Related to Speeding:  
(continued)

Reckless Driving: (continued)

Fine (\$ Range):

1st offense-Not more than **\$200** 2nd offense (within 18 months)-Not more than **\$350** Subsequent offense (within 18 months)-Not more

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A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business, or education. V&T Law 530

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|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mandatory Minimum Fine:                                                      | than <b>\$750</b> V&T Law 1801(1)<br><u>1st or subsequent offense-\$100</u> V&T Law 1801(1)                                                                                                                      |
| Administrative Licensing Actions:<br>Type of Licensing Action<br>(Susp/Rev): | <b>Suspension or Revocation</b> -Based Upon (1) Dangerous Driving or (2) Habitual or Persistent Traffic Law Violations (Point System) <sup>9</sup> V&T Law 510(3)(a) & (d)                                       |
| Length of Term of License<br>Withdrawal Action:                              | Note: The law does not provide specific suspension or revocation periods. <sup>10</sup> V&T Law 510(3)(a) & (d)                                                                                                  |
| Mandatory Term of License<br>Withdrawal Action:                              | <b>None</b> <sup>12</sup> Note: Suspension or revocation action is "permissive." V&T Law 510(3)(a) & (d)                                                                                                         |
| Other:                                                                       | I. The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law 510(3)<br>II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR 133.3            |
| <b><u>Commercial Motor Vehicle (CMV) Operators</u></b> <sup>13</sup> :       |                                                                                                                                                                                                                  |
| <u>Grounds for Suspension:</u>                                               | A person's CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations" <sup>14</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period. 6-514(e) |
| <u>Period of Suspension:</u>                                                 | <u>2 serious violations</u> (within 3 years)- <b>60 days</b> <u>3 serious violations</u> (within 3 years)- <b>120 days</b> V&T Law 510-a(3)(a) & (b)                                                             |
| <u>Period of Mandatory Suspension:</u>                                       | <u>2 serious violations</u> (within 3 years)- <b>60 days</b> <u>3 serious violations</u> (within 3 years)- <b>120 days</b> V&T Law 510-a(3)(a) & (b)                                                             |

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A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. However, a person is not eligible for such privileges if they have been convicted of a prior reckless driving offense within 4 years of the present offense. V&T Law 530(2)

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of  $\geq 26,001$  lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. V&T Law 501-a(4)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. V&T Law 510-a(4)